IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

PHILLIP NATHAN KERCH,)
Plaintiff,)
v.) CIVIL ACTION NO. 5:17-CV-108 (MTT)
Warden GLENN JOHNSON, et al.,)
Defendants.)
)

ORDER

United States Magistrate Judge Charles H. Weigle recommends granting

Defendants Glenn Johnson and Kenneth McClain's Motion to Dismiss (Doc. 23)

because Plaintiff Phillip Nathan Kerch has failed to exhaust his administrative remedies pursuant to the Prison Litigation Reform Act. Doc. 37 at 1. The Magistrate Judge also recommends denying the Plaintiff's Motion for Preliminary Injunction (Doc. 33). *Id.* The Plaintiff has objected to the Recommendation and submitted a "Notice to Dismiss Injunction." Docs. 38; 39.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The Court has reviewed the Recommendation and accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendants' motion to dismiss (Doc. 23) is **GRANTED**, and the

Plaintiff's claims are **DISMISSED without prejudice**. The Plaintiff's Motion for Preliminary Injunction is **DENIED as moot**.

SO ORDERED, this 30th day of May, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT